

107TH CONGRESS
1ST SESSION

H. R. 1165

To provide for the establishment of an Election Voting Systems Standards Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2001

Mr. BARCIA (for himself, Ms. RIVERS, Mr. LARSON of Connecticut, Mr. UDALL of Colorado, Mr. LAMPSON, and Mr. WEINER) introduced the following bill; which was referred to the Committee on Science

A BILL

To provide for the establishment of an Election Voting Systems Standards Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Election Voting Sys-
5 tems Standards Act of 2001”.

6 **SEC. 2. ELECTION VOTING SYSTEMS STANDARDS COMMIS-**
7 **SION.**

8 (a) ESTABLISHMENT.—The Director of the National
9 Institute of Standards and Technology, in consultation
10 with the chairman of the Federal Election Commission,

1 shall establish the Election Voting Systems Standards
2 Commission (in this Act referred to as the “Commis-
3 sion”).

4 (b) MEMBERSHIP.—The Commission shall consist of
5 the following members:

6 (1) The Director of the National Institute of
7 Standards and Technology, who shall serve as the
8 chair of the Commission.

9 (2) The chairman of the Federal Election Com-
10 mission, who shall serve as the vice-chair of the
11 Commission.

12 (3) Two representatives of the National Asso-
13 ciation of State Election Directors, selected by that
14 association.

15 (4) Two representatives of the National Gov-
16 ernors Association, selected by that association.

17 (5) One representative of the American Na-
18 tional Standards Institute, selected by that institute.

19 (6) Not more than 5 additional members that
20 the Director of the National Institute of Standards
21 and Technology, in consultation with the chairman
22 of the Federal Election Commission, the Speaker of
23 the House of Representatives, the Minority Leader
24 of the House of Representatives, the Majority Lead-

1 er of the Senate, and the Minority Leader of the
2 Senate, considers appropriate.

3 (c) RESPONSIBILITIES.—

4 (1) STANDARDS AND CRITERIA.—The Commis-
5 sion shall establish—

6 (A) a set of technical performance-based
7 standards relating to the accuracy, integrity,
8 and security of voting products and systems
9 used in Federal elections; and

10 (B) criteria for the selection of an organi-
11 zation to operate the National Election Systems
12 Standards Laboratory under section 3.

13 Not later than 9 months after the date of the enact-
14 ment of this Act, the Commission shall transmit to
15 the Congress a report containing the standards and
16 criteria established under this paragraph.

17 (2) TESTING AND CERTIFICATION.—The Com-
18 mission shall—

19 (A) develop uniform testing and evaluation
20 procedures suitable for determining the con-
21 formance of voting products and systems to the
22 standards established under paragraph (1)(A);

23 (B) establish procedures for the certifi-
24 cation, by the Laboratory established under sec-
25 tion 3, of non-Federal laboratories to perform

1 the testing and evaluation procedures developed
2 under subparagraph (A) of this paragraph; and
3 (C) make recommendations for methods of
4 promoting the use of the testing and evaluation
5 procedures developed under subparagraph (A)
6 of this paragraph.

7 Not later than 1 year after the date of the enact-
8 ment of this Act, the Commission shall transmit to
9 the Congress a report containing the procedures de-
10 veloped or established under subparagraphs (A) and
11 (B) of this paragraph, and the recommendations de-
12 scribed in subparagraph (C).

13 **SEC. 3. NATIONAL ELECTION SYSTEMS STANDARDS LAB-**
14 **ORATORY.**

15 (a) ESTABLISHMENT.—The Director of the National
16 Institute of Standards and Technology shall select an or-
17 ganization to operate the National Election Systems
18 Standards Laboratory (in this section referred to as the
19 “Laboratory”).

20 (b) SELECTION.—Selection of the Laboratory under
21 subsection (a) shall be carried out—

22 (1) in accordance with criteria established
23 under section 2(e)(1)(B); and

1 (2) through a merit-based competition open to
2 any nonprofit, nonpartisan research entity or consor-
3 tium.

4 (c) FUNCTIONS.—The Laboratory shall—

5 (1) investigate and analyze issues with respect
6 to voting products and systems and their conform-
7 ance to the standards established under section
8 2(c)(1)(A), including—

9 (A) human factors in the design and appli-
10 cation of voting systems; and

11 (B) the design of remote-access voting sys-
12 tems;

13 (2) certify non-Federal laboratories to perform
14 the testing and evaluation procedures developed
15 under section 2(c)(2)(A); and

16 (3) maintain and make available to the public
17 a list of voting products and systems that have been
18 tested and evaluated by non-Federal laboratories
19 certified under paragraph (2) and that are found to
20 be in conformance with the standards established
21 under section 2(c)(1)(A).

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